

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Brian Garrett, et al.,

Plaintiffs,

v.

Civil Action 2:18-cv-692

Judge Michael H. Watson

The Ohio State University,

Magistrate Judge Deavers

Defendant.

Steve Snyder Hill, et al.,

Plaintiffs,

v.

Civil Action 2:18-cv-736

Judge Michael H. Watson

The Ohio State University,

Magistrate Judge Deavers

Defendant.

ORDER

The Ohio State University ("Defendant") has moved to dismiss the Complaints in these cases for failure to state a claim. Case No. 2:18-cv-692, ECF No. 38; Case No. 2:18-cv-736, ECF No. 34. The parties are engaging in extensive mediation with the Honorable Michael R. Barrett, and the Court

accordingly terminates as moot those pending motions in order to facilitate settlement.¹ Defendant may renew the motions if mediation ultimately proves unsuccessful.

Additionally, Plaintiffs move for a clarification of the Court's May 24, 2019, Order denying Defendant's motion to stay discovery. Case No. 2:18-cv-736, ECF No. 81. Defendant opposes the motion and seeks a status conference. Case No. 2:18-cv-736, ECF No. 83. The Court finds the limited discovery requested by Plaintiffs is relevant and tailored for the purposes of mediation. Plaintiff's motion is therefore **GRANTED**. The Court is adamant, however, about avoiding a slippery slope that leads to full discovery during mediation.

To that end, discovery will proceed as follows. Counsel is reminded that discovery pursued during mediation must be narrowly tailored for the purposes of mediation. If any party objects to any particular discovery request made during the pendency of mediation, the parties shall attempt to mediate the discovery dispute with Judge Barrett, who is well positioned to determine what discovery will be helpful to mediation. If no agreement is reached regarding the discovery dispute, the parties shall proceed in the normal course of handling discovery disputes in this Court. Such discovery disputes will be handled by Chief Magistrate Judge Deavers. The Court **WARNS** all counsel that it will not tolerate excessive litigation over discovery disputes. The parties shall focus their efforts

¹ This should not be construed as a decision on the merits. The Court will address the merits of these motions, if it needs to, in the future.

on mediation.

Defendant's request for a status conference, ECF No. 83, is **DENIED**.

The Clerk shall terminate ECF No. 38 in Case No. 2:18-cv-692 and ECF Nos. 34, 81 and 83, in Case No. 2:18-cv-736. Defendant shall ask the Court to reactivate the motions to dismiss, if necessary, at the conclusion of mediation.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT